

Union Calendar No. 40

106TH CONGRESS
1ST SESSION

H. R. 154

[Report No. 106–75]

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. HEFLEY introduced the following bill; which was referred to the
Committee on Resources

MARCH 23, 1999

Additional sponsor: Mr. UDALL of Colorado

MARCH 23, 1999

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 6, 1999]

A BILL

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.**

4 *(a) AUTHORITY.—*

5 *(1) IN GENERAL.—The Secretary of the Interior*
6 *(in this section referred to as the “Secretary”) may*
7 *permit, under terms and conditions considered nec-*
8 *essary by the Secretary, the use of lands and facilities*
9 *administered by the Secretary for the making of any*
10 *motion picture, television production, soundtrack, or*
11 *similar project, if the Secretary determines that such*
12 *use is appropriate and will neither impair the values*
13 *and resources of the lands and facilities nor result in*
14 *a significant disruption of normal visitor uses.*

15 *(2) FEES.—(A) Any permit under this section*
16 *shall require the payment of fees to the Secretary in*
17 *an amount determined to be appropriate by the Sec-*
18 *retary sufficient to provide a fair return to the gov-*
19 *ernment in accordance with subparagraph (B), except*
20 *as provided in subparagraph (C). The amount of the*
21 *fee shall be not less than the direct and indirect costs*
22 *to the Government for processing the application for*
23 *the permit and the use of lands and facilities under*
24 *the permit, including any necessary costs of cleanup*

1 *and restoration, except as provided in subparagraph*
2 *(C).*

3 *(B) The authority of the Secretary to establish*
4 *fees under this paragraph shall include, but not be*
5 *limited to, authority to issue regulations that estab-*
6 *lish a schedule of rates for fees under this paragraph*
7 *based on such factors as—*

8 *(i) the number of people on site under a*
9 *permit;*

10 *(ii) the duration of activities under a per-*
11 *mit;*

12 *(iii) the conduct of activities under a per-*
13 *mit in areas designated by statute or regulations*
14 *as special use areas, including wilderness and*
15 *research natural areas; and*

16 *(iv) surface disturbances authorized under a*
17 *permit.*

18 *(C) The Secretary may, under the terms of the*
19 *regulations promulgated under paragraph (4), charge*
20 *a fee below the amount referred to in subparagraph*
21 *(A) if the activity for which the fee is charged pro-*
22 *vides clear educational or interpretive benefits for the*
23 *Department of the Interior.*

24 *(3) BONDING AND INSURANCE.—The Secretary*
25 *may require a bond, insurance, or such other means*

1 *as may be necessary to protect the interests of the*
2 *United States in activities arising under such a per-*
3 *mit.*

4 (4) *REGULATIONS.—(A) The Secretary shall*
5 *issue regulations implementing this subsection by not*
6 *later than 180 days after the date of the enactment*
7 *of this Act.*

8 (B) *Within 3 years after the date of enactment*
9 *of this Act, the Secretary shall review and, as appro-*
10 *priate, revise regulations issued under this para-*
11 *graph. After that time, the Secretary shall periodi-*
12 *cally review the regulations and make necessary*
13 *changes.*

14 (b) *COLLECTION OF FEES.—Fees shall be collected*
15 *under subsection (a) whenever the proposed filming,*
16 *videotaping, sound recording, or still photography involves*
17 *product or service advertisements, or the use of models, ac-*
18 *tors, sets, or props, or when such filming, videotaping,*
19 *sound recording, or still photography could result in dam-*
20 *age to resources or significant disruption of normal visitor*
21 *uses. Filming, videotaping, sound recording or still photog-*
22 *raphy, including bona fide newsreel or news television film*
23 *gathering, which does not involve the activities or impacts*
24 *identified herein, shall be permitted without fee.*

1 (c) *EXISTING REGULATIONS.*—*The prohibition on fees*
2 *set forth in paragraph (1) of section 5.1(b) of title 43, Code*
3 *of Federal Regulations, shall cease to apply upon the effec-*
4 *tive date of regulations under subsection (a). Nothing in*
5 *this section shall be construed to affect the regulations set*
6 *forth in part 5 of such title, other than paragraph (1) there-*
7 *of.*

8 (d) *PROCEEDS.*—*Amounts collected as fees under this*
9 *section shall be available for expenditure without further*
10 *appropriation and shall be distributed and used, without*
11 *fiscal year limitation, in accordance with the formula and*
12 *purposes established for the Recreational Fee Demonstra-*
13 *tion Program under section 315 of Public Law 104–134.*

14 (e) *PENALTY.*—*A person convicted of violating any*
15 *regulation issued under subsection (a) shall be fined in ac-*
16 *cordance with title 18, United States Code, or imprisoned*
17 *for not more than 6 months, or both, and shall be ordered*
18 *to pay all costs of the proceedings.*

19 (f) *EFFECTIVE DATE.*—*This section and the regula-*
20 *tions issued under this section shall become effective 180*
21 *days after the date of the enactment of this Act, except that*
22 *this subsection and the authority of the Secretary to issue*
23 *regulations under this section shall be effective on the date*
24 *of the enactment of this Act.*

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